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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,226	11/13/2003	Jerome A. Maloney	560043-620-640	8486
28997 7590 04/18/2007 HARNESSE, DICKEY, & PIERCE, P.L.C 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105			EXAMINER GALL, LLOYD A	
			ART UNIT 3676	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/712,226

Applicant(s)

MALONEY ET AL.

Examiner

Lloyd A. Gall

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 14-16, 19, 25-30, 33-37, 39, 40 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 6, 14-16, 19 and 25-29 is/are allowed.
- 6) ☒ Claim(s) 30, 33-37, 39, 40 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 33-37, 39, 40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voegeli (279) in view of Hosoi (707).

It is first noted that the cables are not regarded as being positively claimed. Voegeli teaches a pedestal closure assembly including a dome 12 slidably mounted onto and removable from a base 11, 21, a mounting plate 31, 32 which is capable of supporting cables 33, 34, a lock 23 mounted on the lower portion of the dome 12, a portion 29 of the lock positioned on an interior of the dome as seen in fig. 2, at least a portion of the lock at 29 defined by the nuts having an outer surface which is regarded as free from sharp edges to be capable of avoiding snagging of cables, wherein the lock also includes a latch 27. The faces (or side walls) of the nuts define slanted surfaces relative to one another, which include at least one upper slanted surface and at least one lower slanted surfaces. The edges where these slanted surfaces meet are regarded as not being sharp. It is also noted that the term "sharp" is a relative term, and a conventional nut having outer surfaces which meet at edges are not regarded as being sharp. It is also noted that cables are not being positively claimed. Further, the nuts 29 of the lock as seen in figure 2 are clearly intended to be spaced far enough

away from any cables which are capable of occupying the dome, to avoid the potential snagging of cables. As seen in fig. 3, the lock also includes at least one rounded corner shown as the circular portion of the lock, defined by the threaded bolt which receives the nuts 29. The lock 29 is regarded as being in close proximity to the mounting plate 31, 32. Hosoi teaches a latch 23 free from sharp edges and including rounded corners and rounded intersections of the latch, wherein the latch locks the base 1 to the cover 13 of the container. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the latch 27 of the lock of Voegeli to be free from sharp edges, and to include rounded corners and rounded intersections, in view of the teaching of Hosoi, the motivation being to prevent damage to any adjacent lock structure, or any contents within the dome of Voegeli.

Claims 1-3, 6, 14-16, 19 and 25-29 are allowed.

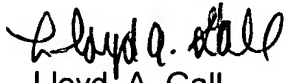
Applicant's arguments with respect to claims 30, 33-37, 39, 40 and 42 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lloyd A. Gall
Primary Examiner
Art Unit 3676

LG LG
April 12, 2007